

**Wittels
McInturff
Palikovic**

September 23, 2024

Via ECF

The Honorable Allyne R. Ross
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (JAM)

Dear Judge Ross,

The parties write jointly in accordance with Your Honor's Opinion and Order entered on September 11, 2024, ECF No. 267, to propose a schedule for "supplemental briefing on whether or not classwide proceedings remain viable in this case." The parties met and conferred and request that the Court approve the following agreed-upon briefing schedule:

- Plaintiff's Opening Brief: October 4, 2024
- Defendants' Opposition: November 1, 2024
- Plaintiff's Reply: November 22, 2024

In addition, Plaintiff intends to move for reconsideration of the September 11, 2024 Order pursuant to Local Civil Rule 6.3 and Federal Rule 60(b). Although Defendants do not believe that reconsideration is warranted, they do not oppose Plaintiff's request to brief her motion for reconsideration concurrently with the briefing ordered by Your Honor to conserve the parties' and the Court's resources. Accordingly, the portions of the briefs related to Plaintiff's reconsideration motion shall comply with the limits set forth in Local Civil Rule 6.3, and the portions regarding the viability of classwide proceedings shall comply with Your Honor's Individual Rule III.B. The parties further agree that the motion for reconsideration will be deemed timely if submitted in accordance with this schedule.

Thank you for the Court's attention to this matter.

Respectfully Submitted

/s/ Ethan D. Roman
Ethan D. Roman

*Class Counsel for Plaintiff and the
Class*

cc: All Counsel of Record (via ECF)